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March 7, 2013

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PLEASE REPLY TO NEW HAVEN

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JOHN M. PARESE

Senator Andrew Maynard
State Representative Antonio Guerrero
& Members of the Transportation Committee
Room 2300, Legislative Office Building
Hartford, CT 06106

Re: Opposition to HB-6495
An Act Concerning Revisions to the Motor Vehicle Statutes

Dear Senator Maynard & Representative Guerrero:

I am an attorney and serve as legal counsel to the Auto Body Association of Connecticut (ABAC). I write to articulate my objections to portions of the above referenced bill. The bill includes unworkable amendments, calls for an unnecessary escalation of penalties against auto body repairers and small business owners, and the criminalization of paperwork violations. Many of the changes contemplated are entirely unnecessary, they are overly punitive in an almost unprecedented manner, they will cost the state money to implement and carry out, and they have the potential of making criminals of honest repairers and small business owners. The ABAC proudly joins with the Connecticut Towers Association and the Connecticut Automotive Retailers Association in objecting to this bill.

First, Section 32 which amends § 14-150(e), is simply impossible to carry out. The law currently requires law enforcement to notify an owner or lienholder once a vehicle is taken into custody. The proposed bill seeks to shift that responsibility to garages where the vehicle is stored. The law calls for notifying the owner and lienholder by certified mail within forty-eight hours of the vehicle being taken into custody. Garages, however, have no way of identifying the owner or lienholder. That person may be in jail, injured in the hospital, unaware their vehicle was stolen, or countless other places unbeknownst to the garage. As the police have access to the information necessary to alert vehicle owners, the duty should remain with them. If passed, there would simply be no way for garages to comply with this law.

Second, sections 48 through 52 include amendments to §§ 14-65f, 14-65g, 14-65h, 14-65i, and 14-65j. These amendments essentially take civil paperwork violations and criminalize them. Thus, instead of administrative sanctions, including fines and possible license suspension, the DMV will now be empowered to impose criminal penalties and jail time. This is entirely unnecessary and utterly draconian in its spirit and intent. Section 52, for example, which amends § 14-65j, would impose a class B misdemeanor on a repair facility for failing to notify a customer that the repairs cannot be completed on the same business day as the vehicle is delivered to the shop. This is absurd.

I have represented auto body repairer, towers, and retailers at the DMV for claimed statutory violations. I can assure you the penalty system currently in place serves as a sufficient deterrent. The penalties assessed are generally in the thousands and multiple violations can be in excess of ten thousand dollars. The DMV has the authority to pull the license of a facility and effectively put that violator out of business. What is more, all sanctions are backed by a mandatory bond which each licensee must carry. In short, I have never met a licensee who wasn't afraid of the DMV. Adding criminal penalties will do nothing to improve the industry or protect consumers. Instead, it will only serve to give the DMV a bigger cudgel.

If this law were enacted, enforcement would require the involvement of local police, prosecutors, and the court system. The cost to the state would be significant. Licensees would likewise incur the unnecessary expense of attorney's fees and business revenue losses due to time wasted in court.

Ironically, in previous efforts to work with the DMV's legal counsel on drafting proper repair forms, I was advised that the DMV would not cooperate in advising licensees in preemptive education. Instead, the DMV considers its sole function to prosecute and penalize. The laws regulating auto body repair, towing and the sale of motor vehicles can be confusing and at times incongruent. It is exceedingly difficult for repair technicians and mechanics to comprehend the myriad of regulatory obligations and synthesize them into perfect practices and repair forms. And, again, they are being asked to do this without any assistance from the DMV. The point is: under these circumstances, honest mistakes are inevitable. These mistakes, however, are not a product of criminal conduct or fraud – if they were, the current law allows the State to arrest and prosecute criminal offenders accordingly. What we are

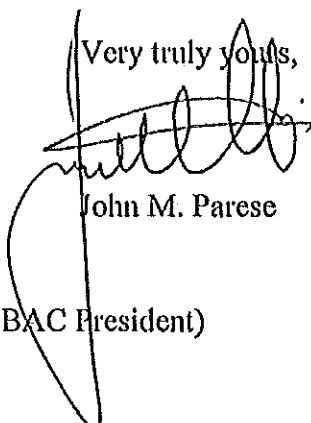
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talking about is paperwork mistakes that the DMV is now looking to criminalize, which I respectfully submit, makes no sense.

The ABAC is fully committed to improving consumer rights and protections. Portions of the bill at issue, however, will only serve to unfairly penalize repairers and small business owners. The existing laws are strong and enforcement is vigorous. These criminal sanctions are not needed, and its cost to the state is unwarranted. For these reasons, I respectfully write in opposition to the bill.

Thank you, as always, for allowing me the opportunity to share my thoughts. If you wish anything further of the ABAC or me, please do not hesitate to contact me.

Very truly yours,



John M. Parese

c: Anthony Ferraiolo (ABAC President)

